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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6101 OF 2006

Vikas Ramadas Navasare ... Petitioner

Vs.

State of Maharashtra and Ors. Respondents

Mr. R.K. Mendadkar for Petitioner.

Mr. R.D. Rane, Government Pleader for R. Nos. 1 and 2.

Mrs. A.R.S. Baxi for R. No. 3.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: FEBRUARY 05, 2007

P.C.:

. Rule. Heard forthwith.

. By order dated 20.7.2006 the Petitioner's claim as belonging to Thokare Koli S.T. has been rejected. The matter was before the Committee pursuant to order of this court passed in W.P. No. 6333 of 2005. The Committee had ordered vigilance enquiry. The report was submitted on 27.9.2001. That report was made available to the Petitioner. The committee proceeded on the basis of the earlier findings of vigilance enquiry. It also recorded that the school record of the Petitioner's father shows him to be as Hindu Koli as on 8.3.1951 when he was admitted to the primary school. This document

has been held against the Petitioner considering that the document would be after the presidential notification. According to Petitioner the vigilance enquiry of 15.7.2001 would clearly indicate that the Petitioner was able to establish that he belongs to Thokare Koli S.T. in so far as traits and characteristicks are concerned. We do not find at least in the present order that the committee has addressed itself to that issue. We have also noted the earlier order of 21.5.2005 and find that there also vigilance enquiry report was not considered. Once the matter was on remand considering the order of 5.10.2005, it was the duty of the committee to de novo consider all the material produced and thereafter to arrive at the conclusion. We find that the committee has not done so.

. In the light of that impugned order of 20.7.2006 is set aside and the matter is remanded back to the committee for de novo consideration of all the material including vigilance report of 27.9.2001.

. Rule made absolute accordingly. No order as to costs.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO,J.)**